

25. REMARKS

The present application was filed on September 26, 2003 with claims 1 through 24. Claims 1 through 24 are presently pending in the above-identified patent application. Claims 1 and 17 are proposed to be amended herein.

In the Office Action, the Examiner rejected claims 1-8, 11-13, and 16-24 under 35 U.S.C. §102(e) as being anticipated by Sahai et al. (United States Patent Application Publication Number 2002/0076010 A1) and rejected claims 9, 10, and 14-15 under 35 U.S.C. §103(a) as being unpatentable over Sahai et al. in view of Haim (United States Patent Number 6,718,014).

Independent Claims 1, 12 and 17

Independent claims 1, 12, and 17 were rejected under 35 U.S.C. §102(e) as being anticipated by Sahai et al. In particular, the Examiner asserts that Sahai teaches to “deliver said voice mail message to said recipient to automatically respond to the sender an indication of a presence of said sender (0028).”

Applicants note that Sahai teaches that “the PBX modifies the voice mail message to include a statement that the calling party is either available or unavailable.” (Abstract; see, also, FIG. 4: steps 416 and 418; paragraph 0009; paragraph 0027; and paragraph 0039.) While Sahai teaches that the “presence server senses whether the calling party has indicated his or her presence via the computer or other information device” (paragraph 0009), Sahai does not disclose or suggest delivering said voice mail message to said recipient with an indication of a presence of a sender, said indication *including an identification of at least one device where the sender is present*. Independent claims 1 and 17, as amended, require delivering said voice mail message to said recipient with an indication of a presence of said sender, said indication *including an identification of at least one device where said sender is present*. Support for this amendment can be found in FIG. 7 and on page 12, lines 3-11 of the originally filed specification.

Regarding claim 12, Applicants note that, in the text cited by the Examiner, Sahai teaches that,

in alternative embodiments, presence server 112 is connected (via network infrastructure 114) to one or more other information devices of calling party 102, in addition to (or instead of) computer 108A. Such devices can include, for example, a telephone or PDA of calling party 102. In a manner similar to the operation described above, presence server 112 would sense whether calling party 102, using such an information device, has indicated his presence. Presence server

112 would then inform PBX 110 accordingly.
(Paragraph 0028.)

Contrary to the Examiner's assertion, Sahai does *not* disclose or suggest delivering a voice mail message to a recipient to *automatically respond* to the sender at a device where said sender is believed to be present. Applicants could also find no disclosure or suggestion of *providing a mechanism* for a recipient to automatically respond to a sender at a device where the sender is believed to be present. Independent claim 12 requires providing a mechanism for said recipient to automatically respond to said sender at a device where said sender is believed to be present.

Thus, Sahai et al. do not disclose or suggest delivering said voice mail message to said recipient with an indication of a presence of said sender, said indication including an identification of at least one device where said sender is present, as required by independent claims 1 and 17, as amended, and do not disclose or suggest providing a mechanism for said recipient to automatically respond to said sender at a device where said sender is believed to be present, as required by independent claim 12.

Additional Cited References

Haim was also cited by the Examiner for its disclosure of a method/apparatus wherein said recipient can respond to said sender in real time. Applicants note that Haim is directed to "a system and method for improving the quality of life for telephone users by providing a real-time screening of a telephone call without the ringing of the telephone call." (Col. 1, lines 10-13.)

Haim does not, however, disclose or suggest delivering a voice mail message to a recipient with an indication of a presence of a sender, the indication *including an identification of at least one device where the sender is present*, and does not disclose or suggest *providing a mechanism for the recipient to automatically respond to the sender at a device where the sender is believed to be present*.

Thus, Haim does not disclose or suggest delivering said voice mail message to said recipient with an indication of a presence of a sender, said indication including an identification of at least one device where the sender is present, as required by independent claims 1 and 17, as amended, and does not disclose or suggest providing a mechanism for said recipient to automatically respond to said sender at a device where said sender is believed to be present, as required by independent claim 12.

